

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CHRISTOPHER M. ZEHNER,

Plaintiff,

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION

Defendant.

Civil No. 6:18-CV-01712-AA

ORDER FOR EAJA FEES

For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, IT IS HEREBY ORDERED AS FOLLOWS:

Plaintiff is here by awarded \$7,000 in fees and expenses under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made

payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.

IT IS SO ORDERED this 10th day of December, 2020.

/s/Ann Aiken
UNITED STATES DISTRICT JUDGE

Submitted by:

BILLY J. WILLIAMS, OSB #901366
United States Attorney

RENATA GOWIE, OSB #175273
Civil Chief

s/ Lars J. Nelson
LARS J. NELSON
Special Assistant United States Attorney
of Attorneys for Defendant
(206) 615-3717